

Attorney Docket No.: **DEX-0241**
Inventors: **Recipon et al.**
Serial No.: **10/002,344**
Filing Date: **October 25, 2001**
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REMARKS

Claims 1, 2, 4, 5, 7-9, 15 and 18-20 are pending in the instant application. Claims 1, 2, 4, 5, 7-9, 15 and 18-20 have been rejected. Claim 1 has been amended. Claims 15, 18 and 19 have been canceled. No new matter is added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Rejection of Claim 15 under 35 U.S.C. § 112, second paragraph

The rejection of claim 15 under 35 U.S.C. § 112, second paragraph has been maintained. The Examiner suggests that recitation of "means for determining the presence of the nucleic acid molecule of claim 1" is vague and indefinite. While Applicants respectfully disagree with the Examiner regarding clarity of this phrase in light of teachings of the specification, in an earnest effort to advance the prosecution of this case, Applicants have canceled claim 15, thus mooting this rejection.

Withdrawal of this rejection under 35 U.S.C. § 112, second paragraph, is therefore respectfully requested.

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II. Rejection of Claims 1, 2, 4, 5, 7-9, 15 and 18-20 under 35

U.S.C. § 112, first paragraph - Lack of Written Description

Claims 1, 2, 4, 5, 7-9, 15 and 18-20 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner suggests that parts (c), (d) and (f) of claim 1 cover a large genus of related nucleic acids which are not described and were not in Applicant's possession.

Thus, while Applicants respectfully disagree with the Examiner, in an earnest to advance the prosecution of this case, Applicants have amended claim 1 to delete parts (c), (d) and (f) and canceled dependent claims 18 and 19.

Withdrawal of this rejection under 35 U.S.C. § 112, first paragraph, for lack of written description is therefore respectfully requested.

III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending

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claims is earnestly solicited.

Respectfully submitted,

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